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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,624	11/29/2001	Tadashi Fujimura	111235	2285

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/995,624

Applicant(s)

FUJIMURA, TADASHI

Examiner

Yogesh K. Aggarwal

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9-11,13-23,26,27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-7,9,10,14-17,20-23,26,27 and 29-32 is/are allowed.
- 6) ☒ Claim(s) 11,13,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/27/2007.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 11/15/2007 have been fully considered but they are not persuasive.

Examiner's response:

2. Applicant argues according to claim 11 that continuous photography that performs controls for continuous photography. The Examiner respectfully disagrees. However Ito teaches that during still image taking, one image is taken for each press of the shutter. Therefore multiple images are taken for multiple shutter presses. The claim and figure 9 of Applicant' specification depict continuous photography. Each press of the shutter takes one image (S3-S8B) and if the shutter is still pressed at the end of the first image, the process is repeated. In Ito after pressing the shutter button, one image is taken and when the shutter is pressed again another image is taken. However the claims in the present form are broadly written. The difference between the applicant's specification and the reference is that after the first image is recorded, it is checked if the shutter button is still pressed and if it is still pressed another image is taken. The claims do not recite this. Therefore as broadly as claimed, claim 11 is rejected on Ito.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US Patent # 6,967,675).

[Claim 11]

Ito et al. teaches an image data processing device (figure 1, digital camera), comprising: a processing device (thumbnail create 18) that acquires basic image data, and generates simplified image data corresponding to said basic image data that has been acquired, a size of said simplified image data being smaller than that of said basic image data (col. 4 lines 54-61); a transmission device (communication circuit 36) that transmits at least said basic image data to an external storage device after the processing device has generated the simplified image data (col. 6 lines 1-22); an internal storage device (SDRAM 24); and a control device (CPU 32) that controls said processing device (18), said transmission device (36) and said internal storage device (24, col. 4 lines 31-39), and causes said internal storage device to store said basic image data and said simplified image data (col. 4 lines 50-61)

a continuous photography control device that performs control for continuous photography, wherein the internal storage device temporarily stores a plurality of sets of basic image data and a plurality of sets of simplified image data during continuous photography, the transmission device transmits the plurality of sets of basic image data to the external storage device after the continuous photography has been completed, and the internal storage device deletes a set of basic image data that has been transmitted by the transmission device.

and (col. 10 lines 10-31, figure 6, also see col. 8 lines 51-62, figure 4, Ito teaches that during still image taking, one image is taken for each press of the shutter. Therefore multiple images are taken for multiple shutter presses, Also see explanation above).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675) in view of Anderson (US Patent # 6,532,039).

[Claim 19]

Ito teaches the limitations of claim 11 but fails to teach that the simplified image data is not transmitted to the external device. However Anderson teaches a memory map showing DRAM 346 (which clearly is an internal memory) that includes RAM disk 532, a system area 534 and working memory 530 (col. 4 line 66-col. 5 line 3, figures 3 and 4). Anderson further teaches that thumbnail images 606 (simplified image) are stored in a working memory 530 that is an internal memory as clearly shown in figure 3 (col. 6 lines 30-32).

Therefore taking the combined teachings of Ito and Anderson, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the simplified image data stored in a working internal memory and not transmitted to the external device in order to use the external memory for basic images only and thereby save on the memory space.

6. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675) in view of Tomat et al. (US Patent # 6,784,925).

[Claim 13]

Ito fails to teach a display device that displays a plurality of simplified images corresponding to said plurality of sets of simplified image data and when said signal transmission device is transmitting a set of basic image data, said display device controls display of said plurality of simplified images so as to be able to identify a simplified image that corresponds to the set of basic image data which is being transmitted.

However Tomat et al. teaches a selection device that selects a single simplified image from plurality of simplified images which have been displayed upon said display device is provided (col. 17 lines 20-32, figure 26) and an acquired icon 224 that indicates that the thumbnail images have been downloaded from camera 14 (col. 15 lines 66-67, figure 24) in order to identify the thumbnail images easily to the user.

Therefore taking the combined teachings of Ito and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have selected a single simplified image from plurality of simplified images which have been displayed upon said display device is provided and an acquired icon 224 that identifies that the thumbnail images have been downloaded from camera 14 after they have been transmitted in order to identify the thumbnail images that have been transmitted easily to the user.

[Claim 18]

Ito fails to teach the transmission of simplified image data corresponding to the basic image data.

However Tomat et al. teaches that acquired icon 224 indicating that photo-group 5 comprising thumbnail images has been downloaded from camera 14 (memory 36 inside the camera) to another storage device (PC) or that its full-resolution image file has been inserted into an application (col. 15 line 66- col. 16 line 10, figure 24).

Therefore taking the combined teachings of Ito and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image storage device that is provided in said external storage device and stores at least said basic image data which has been transmitted from said image data processing device in order to utilize the memory space in the image processing device efficiently.

Allowable Subject Matter

7. Claims 1, 4-7, 9, 10, 14-17, 20-23, 26, 27 and 29-32 are allowed.

The prior art fails to teach or suggest “an identifying information generation device that generates identifying information for individually identifying correspondence between the basic image data and the simplified image data, the identifying information including at least one of information that identifies the image data processing device individually and information that identifies a user of the image data processing device; a display device that displays a plurality of simplified images corresponding to a plurality of sets of simplified image data; a selection device that selects a simplified image from the plurality of simplified images which have been displaced on the display device; and a command generation device that generates a command for processing at the external storage device of the basic image data corresponding to the simplified image which has been selected by the selection device, wherein the internal storage device further stores the identifying information, and the transmission device transmits the identifying information and the command corresponding to the simplified image that has been selected to the external storage device”.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LIN YE
SUPERVISORY PATENT EXAMINER

YKA
February 3, 2008